

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Mahabubabad District– Appeal Petition filed by Smt. Gadhegani Parimala W/o.Banothu Veeranna R/o.Neelikurthi village, Maripeda mandal, Mahabubabad District, under Section 7(2) of the Act 16 of 1993, against the orders of the District Collector, Mahabubabad in Proceedings Rc.No.C2/601/2019 dated 26.09.2019 – Appeal Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 26

Dated: 30-06-2023

Read the following:-

1. Proceedings Rc.No.C2/601/2019, dated 26.09.2019 of the Collector & District Magistrate, Mahabubabad District.
2. Appeal Petition filed by Smt. Gadhegani Parimala W/o.Banothu Veeranna R/o.Neelikurthi village, Maripeda Mandal, Mahabubabad District dated 19.11.2019.
3. Govt. Memo.No.1549/TW.LTR/2019, dated 13.12.2019.
4. From the District Collector, Mahabubabad, letter Rc.No.C1/ 601/2019, dated 06-02-2020.
5. Govt.Notice.No.1549/TW.LTR/2019, dated 17.02.2021, 18.03.2021, 22.06.2021 and 08.07.2021.

ORDER:

In the reference 1st read above, the Collector & District Magistrate, Mahabubabad District had cancelled the ST Lambada Caste Certificate issued to Smt.Banothu Parimala W/o Banothu Veeranna R/o Neelikurthy village, Maripeda Mandal, Mahabubabad District by the then Tahsildar, Maripeda vide D/923/2019, dated 18.05.2019 declaring that Smt.Gadhegani Parimala D/o Gadhegani Ramulu R/o Neelikurthy village, Maripeda Mandal, Mahabubabad District does not belong to ST-LAMBADA Caste but belongs to BC-B GOUDA Community. The gist of the cancellation orders is as follows:

- Commissioner (Tribal Welfare), Hyderabad has forwarded representation of Smt.Karam Baby Shalini D/o Sriramulu R/o Pinapaka pattinagar, Burgampahad Mandal stating that Smt.Gadhegani Parimala D/o Gadhegani Ramulu belongs to BC-B caste by birth but taken ST (Lambada) Certificate from Tahsildar, Maripeda and got job under ST reservation quota due to which the applicant S.T.woman could not get job and requested to cancel the ST certificate issued to Smt.Gadhegani Parimala.
- Vide ref.Lr.No.C2/601/2019, dated 25.04.2019, the Tahsildar, Maripeda who was directed to enquire into, had conducted enquiry and reported that Smt.Gadhegani Parimala D/o Gadhegani Ramulu R/o Neelikurthy, Maripeda Mandal, Caste (BC-B) got married to Lambada caste person namely Sri Banothu Veeranna S/o Vasram of the same village in the year 2004.
- Vide reference Rc.No.D/923/2019, dated 18.05.2019, notices were issued to Smt.Gadhegani Parimala to appear before the DLSC on 10.07.2019, accordingly she appeared before the DLSC on 10.7.2019 and filed written arguments – in her own statement she stated that she belongs to BC-B (Gouda) caste by birth and married Sri Banothu Veeranna S/o Vasram R/o Neelikurthy village, Maripeda (M) in the year 2004. After marriage, she obtained 'ST Lambada' caste certificate bearing Mee-Seva Centre Application No.CNDO21708208036, dated 05.06.2017 from Tahsildar, Maripeda and got Degree College Lecturer in Women ST quota. She submitted her study certificates Xerox copies in DLSC meeting. She has agreed that she produced fake and false certificate obtained from the then Tahsildar against rules and she belongs to Gouda caste.
- The Hon'ble Supreme Court in CA Nos.4413-4414 of 2003, dated 28.01.2005 held that the reservation would benefit only those who belong to a Scheduled Caste or Scheduled Tribe and not those who claim to acquire the status by marriage.

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- Similarly, a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be member of that Scheduled Caste or Scheduled Tribe as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe. Hence, marriage cannot be basis to get ST certificate.
- In view of the above findings and own statement of Gadhegani Parimala D/o Gadhegani Ramulu, her ST Lambada Caste Certificate issued by the then Tahsildar, Maripeda vide D/923/2019, dated 18.05.2019 was cancelled declaring that she does not belong to ST LAMBADA caste but belongs to BC-B Gouda caste.

2. Aggrieved by the above cancellation orders of the Collector & District Magistrate, Mahabubabad in the reference 1st read above, the Appellant Smt. Gadhegani Parimala W/o.Banothu Veeranna has filed the Appeal petition under the Act 16 of 1993 in the reference 2nd read above before the Government with the following grounds:

- She married one Sri Banothu Veeranna belongs to Lambada caste on 10.7.2004 and blessed with two male children. She suffered with wrath of the caste of Lambada, as throughout she resided in the said locality. She follows the customs and habits of Lambada community.
- After marriage, when she applied for community certificate, the Tahsildar, Maripeda after conducting thorough enquiry has issued the Certificate that the appellant belongs to Lambadis-Sl.No.29 (ST) community. Another fresh certificate was also issued by the Tahsildar after conducting thorough enquiry. The caste certificates dated 12.7.2017 and 27.12.2017 would also disclose the same.
- She was selected and appointed to the post of TGT in TTWREIS vide Procs.No.A2/0041/2018, dated 23.5.2018 and posted at TTWRS (Boys), Maripeda. Subsequently, she was also appointed to the post of Lecturer in Degree Colleges of TTWREI Society vide Procs.No.G/TS/Tel/0103/2019-53, dated 2.3.2019 and presently working at TSWRDCW, Medak.
- One Karam Baby Shalini D/o Sriramulu working as Principal, TW Boys School, Kothagudem complained against her alleging that by birth she belongs to BC-B caste but taken ST (Lambada) certificate from Tahsildar, Maripeda and got job under said quota. She appeared before the DLSC on 10.7.2019 and filed written arguments categorically stating that she was borne to one Sri Ramulu and at her young age, she lost his father and brought up in the house of Sri Banothu Veeranna and later married him during 2004. She was also brought up in the said caste and following customs and habits of Lambada caste. The Tahsildar, Maripeda after causing thorough enquiry issued her caste certificates in her favour that she belongs to Scheduled Tribe caste. Smt.Karam Baby Shalini is already in Government service and any way affected by the caste of appellant and filed the complaint for blackmailing the appellant.
- The Collector & Dist. Magistrate, Mahabubabad without examining her caste in a proper perspective way and without there being any cogent evidence and any corroborative evidence, cancelled her caste certificate by proceedings No.C2/601/2019, dated 26.9.2019.
- As she was brought up in the Lambada caste and suffered wrath of the said caste, followed caste customs and habits, married the Lambada caste person, for all purposes her caste shall be treated as Lambada-ST community.
- The order of District Collector & Magistrate is unjust and improper as he did not appreciate the certificate issued in her favour by the Tahsildar, Maripeda dated 01.12.2013, 05.06.2017, 12.07.2017 & 27.12.2017 which were issued after making thorough enquiry into the matter.
- The District Collector without calling for the records from the O/o Tahsildar, Maripeda has cancelled the caste certificate of the appellant and there is no evidence on record before him against the appellant. Therefore, the order of the District Collector, Mahabubabad in

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proceedings No.C2/601/2019, dated 26.09.2019 is illegal, unjust and arbitrary and liable to be set-aside as the complainant is a third party and not affected party.

3. In the reference 3rd read above, Government has admitted the Appeal and requested the District Collector, Mahabubabad to furnish parawise remarks and original connected records.

4. In the reference 4th read above, the Collector & District Magistrate, Mahabubabad has submitted the record bearing file No.C1/601/2019, along with the following remarks to the Appeal of the Appellant:

- i) Smt. Karam Baby Shalini D/o Sriramulu R/o Pinapaka Pattinagar, Burgampahad Mandal has submitted a representation stating that Smt.Gadhegani Parimala D/o Ramulu belongs to BC-B caste by birth but taken ST (Lambada) certificate from Tahsildar, Maripeda and got the under ST Reservation due to which she being ST woman could not get the job and requested to cancel the ST certificate issued to Smt.Gadhegani Parimala R/o Neelikurthy village of Maripeda Mandal.
- ii) The Tahsildar, Maripeda has enquired into the caste certificate of Banothu Parimala D/o Gadhegani Ramulu R/o Neelikurthy village, Maripeda Mandal, Mahabubabad District and submitted report vide Rc.No.D/923/2019, dated 18.5.2019 that the candidate surname is Gadhegani in her educational certificates and she belongs to BC-B (Gouda) community but after marriage she obtained with Sri Banothu Veeranna ST Lambada, she obtained caste certificate with surname as Banothu.
- iii) Accordingly, DLSC has taken up enquiry wherein Smt.Gadhegani Parimala has appeared before the Joint Collector & DLSC Chairperson on 10.7.2019 and given her own statement that she belongs to BC-B (Gouda) caste by birth and married Sri Banothu Veeranna S/o Vasram R/o Neelikurthy village, Maripeda Mandal who belongs to ST Lambada caste and after marriage she obtained ST Lambada caste certificate through Meeseva vide application No.CNDO21708208036, dated 05.06.2017 from the Tahsildar, Maripeda and secured Degree College Lecturer post under Women's ST quota – thus she has agreed that she produced a fake and false certificate obtained from the then Tahsildar against rules and that she belongs to Gouda caste.
- iv) In view of the recommendations of the DLSC and own statement of Smt.Gadhegani Parimala D/o Gadhegani Ramulu and in exercise of powers conferred under Section 5 (1) of AP (SC/ST/BC) Issue of Community Certificate Act 16/1993 R/W Sub-Rule (7) under Rule (9) of the Rules, the fake ST Lambada caste certificate issued to Smt.Banothu Parimala W/o Banothu Veeranna R/o Neelikurthy by the then Tahsildar, Maripeda vide No.CNDO21708208036, dated 05.06.2017 was cancelled declaring Smt.Gadhegani Parimala D/o Gadhegani Ramulu R/o Neelikurthy, Maripeda Mandal, Mahabubabad District does not belong to ST Lambada caste.
- v) The Hon'ble Supreme Court in its judgement in CA Nos.4413-4414 of 2003, dated 28.01.2005 held that the reservation would benefit only those who belong to Scheduled Caste or Scheduled Tribe and not those who claim to acquire the status by marriage.

5. Therefore, in view of the findings of the DLSC and own statement of the Appellant that she belongs to Gouda BC-B caste, the Collector & District Magistrate, Mahabubabad prayed the Government to dismiss the Appeal filed by Smt.Gadhegani Parimala D/o Gadhegani Ramulu R/o Neelikurthy village, MaripedaMandal, Mahabubabad District.

6. In the reference 5th read above, notices were issued to the appellant and all other concerned to attend for hearing on 27.02.2021 and 27.03.2021 at 2.00 PM. Appellant and his counsel called absent.

7. Since the case is pending since 19.11.2019, the Government have examined the evidences available on record and it is found that Smt.Gadhegani Parimala D/o Ramulu R/o Neelikutthy village of Maripeda Mandal, Mahabubabad belongs to BC-B (Gouda) caste and married Sri Banoth Veeranna of the same who belongs to ST Lambada. After marriage, she obtained ST Lambada Caste Certificate changing her surname as Banothu Parimala fraudulently and secured employment as Lecturer in TTWREIS Degree College under ST-Women quota. The said fact has been admitted by her before the DLSC through her own written statement.

8. As per the guidelines issued by the Government of India, Ministry of Home Affairs – for issue of Scheduled Caste and Scheduled Tribe Certificates points to be observed as communicated in the enclosure to the Lr.No.35/1/72-R.U (SCT-V), dated 2nd May, 1975 addressed to the Chief Secretaries of all State Governments and Union Territory Administration, New Delhi-110 001, dated 2nd May, 1975 under "3. Claims through marriage – The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe merely because he or she married a person belonging to a Scheduled Caste or a Scheduled Tribe. Similarly, a person who is a member of Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe".

9. The Hon'ble Supreme Court in its judgement in CA Nos.4413-4414 of 2003, dated 28.01.2005 clearly held that the reservation would benefit only to those who belong to Scheduled Caste or Scheduled Tribe and not those who claim to acquire the status by marriage.

10. In view of these findings, and do not find any valid reason to hold the case any longer more particularly when the Appellant admitted herself that she belongs to BC-B Gouda caste but obtained ST Lambda caste after her marriage with a ST Lambada person.

11. Therefore, the Appeal filed by the Appellant Smt.Gadhegani Parimala D/o.Gadhegani Ramulu R/o Neelikutthy, Maripeda Mandal, Mahabubabad District is accordingly DISMISSED under Section 7 (2) of the Act 16 of 1993 duly upholding orders of the Collector & District Magistrate, Mahabubabad in Procs.No.C2/601/2019, dated 26.9.2019.

12. The Collector and District Magistrate, Mahabubabad District shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Collector and District Magistrate, Mahabubabad District,
Mahabubabad (BY RPAD).

Smt. Gadhegani Parimala W/o Banothu Veeranna,
R/o Neelikutthy Village, Maripeda Mandal,
Mahabubabad District, Telangana State. (BY RPAD)

Copy to:-

The Director, TCR&TI, DSS Bhavan, Hyderabad.

Sri M. Srinivasa Rao, Ch.A.B. Sathyanarayana & M. Anjaneya Prasad (Advocates)
Address: C3- SwathiShikara Apartments, Plot No. 23, HUDA Complex,
Saroor Nagar, Kothapet, Hyderabad- 500035. (BY RPAD)

The Tahsildar, Maripeda Mandal, Mahabubabad District
(Serve the copy to the appellant) (By RPAD)

The P.S. to Minister for ST Welfare (for information).

The PA to Secretary (TW).

The PA to Spl.Secretary (TW).

SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.